

1 **PATRICK W. KANG, ESQ.**

Nevada Bar No.: 010381

2 **KYLE R. TATUM, ESQ.**

Nevada Bar No.: 13264

3 **KANG & ASSOCIATES, PLLC**

6480 West Spring Mountain Road, Suite 1

4 Las Vegas, Nevada 89146

P: 702.333.4223

5 F: 702.507.1468

6 *Attorneys for Plaintiff*

7
8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 NICOLE GREENE, an Individual;

Case No.: 2:20-cv-00818

10 Plaintiff,

11 vs.

12 BENJAMIN WOOD, an Individual; and
13 FRONTIER AIRLINES, INC., a Foreign
14 Corporation; DOES 1 through 20, inclusive;
15 ROE CORPORATIONS, 1 through 20,
inclusive;

Defendants.

MOTION TO WITHDRAW AS COUNSEL OF
RECORD

16 **MOTION TO WITHDRAW AS COUNSEL OF RECORD**

17 COMES NOW the undersigned and moves this Honorable Court for an Order allowing
18 them to Withdraw as Counsel for the Plaintiff in the above-entitled matter.

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1 This motion is made and based upon the pleadings and records on file, Points and
2 Authorities attached hereto by this reference and made a part hereof.

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4 DATED this 8 day of May, 2020.

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6 **KANG & ASSOCIATES, PLLC**

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8 By: /s/ Kyle R. Tatum, Esq.
9 **PATRICK W. KANG, ESQ.**
10 Nevada Bar No.: 010381
11 **KYLE R. TATUM, ESQ.**
12 Nevada Bar No.: 013264
13 6480 W. Spring Mtn. Rd., Ste. 1
14 Las Vegas, NV 89146
15 (702) 333-4223
16 *Attorneys for Plaintiff Nicole Greene*
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KANG & ASSOCIATES, PLLC.
6480 W SPRING MOUNTAIN RD., STE 1
LAS VEGAS, NV 89146

NOTICE OF MOTION

TO: THE HONORABLE JENNIFER A. DORSEY,
TO: ROSS C. GOODMAN, ESQ.; Attorney for Benjamin Wood
TO: ROGER GRANDGENETT, II, ESQ.; Attorney for Frontier Airlines

PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing Motion on for hearing before the above-entitled Court on the ____ day of _____, 2020 at the hour of ____ a.m./p.m. in Department _____, or as soon thereafter as counsel can be heard.

Submitted By:

KANG & ASSOCIATES, PLLC

/s/ Kyle R. Tatum, Esq.

PATRICK W. KANG, ESQ.

Nevada Bar No.: 010381

KYLE R. TATUM, ESQ.

Nevada Bar No.: 013264

6480 W. Spring Mtn. Rd., Ste. 1

Las Vegas, NV 89146

(702) 333-4223

Attorneys for Plaintiff Nicole Greene

POINTS AND AUTHORITIES

A. MOTION TO WITHDRAW SHOULD BE GRANTED BASED ON NON-RETENTION OF ATTORNEYS AND NON-PAYMENT OF ATTORNEY'S FEES.

Pursuant to Local Rule IA 10-6 of the United States District Court for the District of Nevada.

(b) No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel."

This Court has the authority to grant leave and enter an Order allowing the withdrawal of counsel in this matter. This motion contains Ms. Greene's last known addresses, at which she may be served with notice of further proceedings in this matter. Should the application for withdrawal be granted, the withdrawal shall not delay the trial or hearing of other matters in the case.

Rule 150 of the Nevada Supreme Court Rules (1986) specifically adopts the American Bar Association Model Rules of Professional Conduct (NRPC) 1.16(b)(6) and 1.16 (b)(7) of the NRPC states that an attorney may be allowed to withdraw from employment:

A lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if...

- (1) The representation will result in violation of the Rules of Professional Conduct or other law;
- (2) The lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
- (3) The lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

- (1) Withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) The client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3) The client has used the lawyer's services to perpetrate a crime or fraud;
- (4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement;
- (5) The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) Other good cause for withdrawal exists.

1 Furthermore NRPC Rule 1.16(b)(c)(1) states, “a lawyer may withdraw from
2 representing a client if: withdrawal can be accomplished without material adverse effect on the
3 interests of the client.” Moreover, NRPC Rule 1.16(b)(c)(7) permissively grants an attorney to
4 withdraw if “other good cause exists.” In the instant matter, counsel’s withdrawal would not
5 cause a material adverse effect on Ms. Greene. After litigation commenced, it has become clear
6 that an unrepairable rift exists between Plaintiff and counsel. For these aforementioned
7 reasons, this Court should grant this Motion and grant counsel leave to withdraw as counsel of
8 record as mandated in NRPC 1.16(a)(c)(3) and permissively granted by Local Rule IA 10-6 and
9 NRPC Rule 1.16(b)(c).
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11 As shown by the Declaration of Kyle R. Tatum, Esq., (Exhibit 1) in support of this Motion
12 to Withdraw as attorneys of record, good cause exists to permit the withdrawal requested
13 herein because of the breakdown of the attorney-client relationship. The attorneys at Kang &
14 Associates can no longer continue to represent Ms. Greene and fulfill the ethical duties to which
15 all Nevada-licensed attorneys are subject to.
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1 **B. CONCLUSION**

2 Thus, pursuant to Local Rule IA 10-6, NRPC Rules 1.16(a)(c)(3), 1.16(b)(6) and 1.16 (b)(7)
3 and 1.16(b)(c), this Court should grant counsel leave to withdraw. Therefore, Counsel requests
4 that this Court grant the foregoing Motion, order the withdrawal and grant any further relief that
5 the court may deem just and proper.
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8 DATED this 8 day of May, 2020.

9 Respectfully Submitted,

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11 **KANG & ASSOCIATES, PLLC.**

12 /s/ Kyle R. Tatum, Esq.
13 **PATRICK W. KANG, ESQ.**
14 Nevada Bar No.: 10381
15 **KYLE R. TATUM, ESQ.**
16 Nevada Bar No.: 13264
17 6480 W. Spring Mtn. Rd., Ste. 1
18 Las Vegas, NV 89146
19 702.333.4223
20 *Former Attorneys for Nicole Greene*
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of KANG & ASSOCIATES, PLLC., over the age of 18, neither a party to nor interested in this matter; that on this 8th day of May 2020, I served a copy of **MOTION TO WITHDRAW AS COUNSEL OF RECORD** as follows:

 X by **electronic** filing notification where specified on the attached service list:

 X by **mailing** a copy thereof enclosed in a sealed envelope with postage prepaid in the United States Mail at Las Vegas, Nevada, to the counsel of record at the following address:

 by **facsimile** transmission, pursuant to NRCP(5)(b) and EDCR 7.26, to the following fax number:

TO: Nicole Greene
1350 Kelso Dunes Avenue
Unit #526
Henderson, NV 89014

TO: Ross C. Goodman, Esq.
GOODMAN LAW GROUP
520 S. Fourth Street, Second Floor
Las Vegas, Nevada 89101
Attorney for Defendant Benjamin Wood

TO: Roger Grandgenett, II, Esq.
Amy Thompson, Esq.
Kelsey E. Stegall, Esq.
LITTLER MENDELSON, P.C.
3960 Howard Hughes Pkwy., Suite 300
Las Vegas, Nevada 89169
Attorney for Defendant Frontier Airlines

/s/Heather Caifano
An Employee of KANG & ASSOCIATES

EXHIBIT 1

KANG & ASSOCIATES, PLLC.
6480 W SPRING MOUNTAIN RD., STE 1
LAS VEGAS, NV 89146

**DECLARATION OF KYLE R. TATUM, ESQ. IN SUPPORT OF MOTION TO WITHDRAW AS
COUNSEL OF RECORD**

STATE OF NEVADA)
COUNTY OF CLARK)

KYLE R. TATUM, ESQ., being first duly sworn, deposes and says:

1. That I am an attorney at law duly licensed to practice in the State of Nevada; that I am a member of the law firm of KANG & ASSOCIATES, PLLC. And am an attorney for Nicole Greene.
2. After numerous discussions between counsel and the Plaintiff, it has become clear that there are fundamental disagreements regarding the merits of Plaintiff's claims.
3. Despite attempts at a resolution, an unrepairable breakdown in the attorney/client relationship exists, and counsel would be unable to fairly and adequately represent the Plaintiff due to the breakdown of the relationship.
4. That the withdrawal as attorneys will not cause an unreasonable delay of hearings or other matters within the case and that there are no pending or outstanding hearings or due dates in this matter.
5. That the last known address in our file records for the Plaintiff is 1350 Kelso Dunes Avenue, Unit 526, Henderson, NV 89014.
6. The last known phone number for Plaintiff is 805.345.6064 and email is Dgreene5000@aol.com.

FURTHER DECLARANT SAYETH NAUGHT

/s/ Kyle R. Tatum, Esq.

KYLE R. TATUM, ESQ.